

AMENDED IN ASSEMBLY FEBRUARY 16, 2006

AMENDED IN SENATE AUGUST 30, 2005

AMENDED IN SENATE AUGUST 17, 2005

AMENDED IN SENATE AUGUST 15, 2005

AMENDED IN SENATE JULY 1, 2005

SENATE BILL

No. 1015

Introduced by Senator Romero Murray

(Principal coauthor: Assembly Member Parra)

(Coauthors: Senators Ackerman, Kehoe, and Poochigian)

(Coauthor: Assembly Member La Suer)

February 22, 2005

~~An act to add and repeal Section 12016.1 of the Government Code, and to add and repeal Section 11105.06 of the Penal Code, relating to homeland security, and declaring the urgency thereof, to take effect immediately.~~ *An act to amend Section 2024.6 of the Family Code, relating to dissolution of marriage.*

LEGISLATIVE COUNSEL'S DIGEST

SB 1015, as amended, ~~Romero Murray. Office of Homeland Security.~~ *Dissolution of marriage: financial declarations.*

Existing law permits a party to request that documents listing or identifying the parties' assets and liabilities be sealed in specified family law proceedings, including dissolution of marriage.

This bill would extend those provisions to include documents listing or identifying the parties' income or expenses, permit those records to be sealed or redacted, and make related changes. The bill would

require the Judicial Council to adopt rules governing procedures for sealing, unsealing, redacting, and restoring those records.

~~(1) Existing law requires the Governor to appoint a Director of Homeland Security to coordinate homeland security activities in the state, and to appoint a deputy director of homeland security to serve at the pleasure of the director. Existing law sets forth certain duties of an Office of Homeland Security in state government.~~

~~Existing law also authorizes the Attorney General to furnish specified summary criminal history information to certain peace officers of the state, subject to specified conditions.~~

~~This bill would, until January 1, 2007, provide that the Office of Homeland Security shall be considered a Class II criminal justice agency and would require the Attorney General to furnish state summary criminal history information to persons employed within the Office of Homeland Security whose duties and responsibilities require the authority to access criminal history and other intelligence information, and who have been cleared to do so by both the state Department of Justice and the United States Department of Homeland Security for these purposes.~~

~~(2) The California Public Records Act specifies that certain security, investigatory, and other information of certain law enforcement entities is not subject to disclosure.~~

~~This bill would, until January 1, 2007, specify that the Office of Homeland Security is a law enforcement organization as required for receipt by employees of the office of confidential intelligence information pursuant to these provisions.~~

~~(3) This bill would declare that it is to take effect immediately as an urgency statute.~~

Vote: $\frac{2}{3}$ -majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. *The Legislature finds and declares as follows:*
- 2 (a) *The people have a right of privacy in their financial*
- 3 *affairs, as well as in matters relating to marriage.*
- 4 (b) *The law of this state requires any party to a proceeding for*
- 5 *dissolution of marriage, nullity of marriage, or legal separation*
- 6 *to disclose fully in documents that are filed with the court*
- 7 *hearing that proceeding, thereby becoming a matter of public*

1 *record, detailed and sensitive financial information, including*
2 *the nature, extent, and location of the party's assets and*
3 *liabilities and income and expenses, and information, such as*
4 *social security numbers and bank account numbers, that can be*
5 *used to identify and locate the party's assets, liabilities, income*
6 *and expenses.*

7 *(c) The sensitive financial information which the law compels*
8 *a party to a proceeding for dissolution or nullity of marriage or*
9 *legal separation to disclose into the public record is subject to*
10 *use for improper purposes, particularly including but not limited*
11 *to, the burgeoning crime of identity theft, yet is rarely if ever a*
12 *matter of legitimate public interest.*

13 *(d) The Legislature also finds that protecting the sensitive*
14 *financial information subject to this section will further the*
15 *prompt and efficient resolution or settlement of proceedings for*
16 *the dissolution or nullity of marriage or legal separation by*
17 *preventing or discouraging the disclosure or threatened*
18 *disclosure of that information for improper purposes or to secure*
19 *collateral or unfair advantages.*

20 *(e) Existing law concerning the sealing of court records was*
21 *not enacted or otherwise promulgated with consideration of the*
22 *extensive financial disclosures required of parties to a*
23 *proceeding for dissolution or nullity of marriage, or legal*
24 *separation. Much of existing law concerning the sealing of court*
25 *records was also enacted or otherwise promulgated prior to the*
26 *current epidemic of identity theft and the current widespread use*
27 *of electronic data bases, containing sensitive financial and other*
28 *personal information, which data is vulnerable to misuse.*
29 *Existing law was enacted prior to the widespread concern over*
30 *and federal legislation designed to protect and guard against, the*
31 *misuse of personal information and child abduction.*

32 *(f) For these reasons, the Legislature finds that existing law*
33 *concerning the sealing of court records does not adequately*
34 *protect the right of privacy in financial and marital matters to*
35 *which parties to a proceeding for dissolution or nullity of*
36 *marriage are entitled. It is the intent of the Legislature to protect*
37 *more fully that right of privacy while acknowledging and*
38 *balancing the public's right of access to public records and*
39 *judicial proceedings. Accordingly, it enacts this act.*

1 SEC. 2. *Section 2024.6 of the Family Code is amended to*
2 *read:*

3 2024.6. (a) ~~Upon~~ *Notwithstanding any other provision of*
4 *law, upon request by a party to a petition proceeding for*
5 *dissolution of marriage, nullity of marriage, or legal separation,*
6 *the court shall order sealed or redacted any portion of a pleading*
7 *that lists the parties' financial assets and, liabilities and, income*
8 *or expenses, or provides the location of, including a residential*
9 *address, or identifying information about, those assets and,*
10 *liabilities sealed, income, or expenses. Subject to the direction of*
11 *the court, no more of any pleading shall be sealed or redacted*
12 *than is necessary to prevent identification or location of the*
13 *financial information subject to this section. The request may be*
14 *made by ex parte application. Nothing sealed or redacted*
15 *pursuant to this section may be unsealed or restored except upon*
16 *petition to the court and a showing of good cause shown.*

17 (b) Commencing not later than ~~July 1, 2005~~, the Judicial
18 Council form used to declare assets ~~and~~ or liabilities of the
19 parties in a proceeding for dissolution of marriage, nullity of
20 marriage, or legal separation of the parties shall require the party
21 filing the form to state whether the declaration contains
22 identifying information on the assets ~~and~~, liabilities, income, or
23 expenses listed therein. If the party making the request *set forth*
24 *in subdivision (a)* uses a pleading other than the Judicial Council
25 form, the pleading shall exhibit a notice on the front page, in bold
26 capital letters, that the pleading lists ~~and~~ or identifies financial
27 information and is therefore subject to this section. *By the same*
28 *date, the Judicial Council shall also adopt rules setting forth the*
29 *procedures to be used for sealing, unsealing, redacting, and*
30 *restoring pleadings pursuant to this section.*

31 (c) For purposes of this section, “pleading” means a document
32 that sets forth or declares the ~~parties' assets and, liabilities,~~
33 ~~income and or expenses, a of one or both of the parties,~~
34 *including, but not limited to marital settlement agreements,*
35 *exhibits, schedules, transcripts, or any document incidental to*
36 *any declaration or marital settlement agreement that lists and or*
37 *identifies the parties' assets and liabilities, or any document filed*
38 *with the court incidental to the declaration or agreement that lists*
39 *and identifies financial information.*

1 (d) *For purposes of this section and notwithstanding any other*
2 *provision of law, “court” includes a privately compensated*
3 *judge.*

4 (e) The party making the request to seal a pleading pursuant to
5 subdivision (a) shall serve a copy of the pleading *containing*
6 *financial information subject to this section* on the other party or
7 *parties* to the proceeding and file a proof of service with the
8 request to seal the pleading.

9 (e)

10 (f) Nothing in this section precludes a party to a proceeding
11 described in this section from using any document or information
12 contained in a sealed pleading *sealed or redacted pursuant to this*
13 *section* in any manner that is not otherwise prohibited by law.

14
15
16 **All matter omitted in this version of the bill**
17 **appears in the bill as amended in Senate,**
18 **August 30, 2005 (JR11)**
19